

FILED

2004 OCT 25 P 2: 50

JASON PROFFITT,

Plaintiff,

V.

UNITED STATES DEPARTMENT OF
ENERGY,

Defendant.

U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY _____ DEF. CLERK

Civil Action No. 3:04-cv-499

Jordan / Guyton

COMPLAINT

1.

This civil action is brought pursuant to the Freedom of Information Act and seeks injunctive relief directing and requiring the disclosure of certain information. Jurisdiction is invoked pursuant to 5 U.S.C. § 552(a)(4)(B).

2.

Jason Proffitt is a citizen and resident of this judicial district.

3.

The Department of Energy is a federal administrative agency within the meaning of the Freedom of Information Act and conducts operations in this judicial district at its Oak Ridge Operations office. Amy L. Rothrock is an agent of the Department of Energy at its Oak Ridge Operations office and is authorized to comply with the Freedom of Information Act.

4.

Venue over this civil action is properly in this judicial district.

5.

The Department of Energy maintains certain records, including but not limited to records of contractors directly providing cleared escorts at the Oak Ridge facilities of the Department of Energy. Jason Proffitt has an interest in those records and duly requested in a writing dated 7/8/04 sent to Amy L. Rothrock that those records be disclosed and he be permitted inspection and copying. A duplicate of the request is attached to this complaint and incorporated by reference.

6.

The information requested by Jason Proffitt is not within the statutory exemptions from disclosure, and by letter dated 8/11/04 Amy L. Rothrock informed Jason Proffitt the information would be disclosed within the next 30 working days. A duplicate of this letter is attached to this complaint and incorporated by reference.

7.

The requested information has not been disclosed as of the date of filing this civil action and the refusal to disclose the information to Jason Proffitt was wrongful and without reason or excuse, as a result of which relief is appropriate under the Freedom of Information Act.

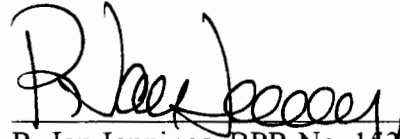
8.

Jason Proffitt has incurred and will continue to incur expenses for an attorney's fee and costs as a result of the refusal described above.

WHEREFORE, Jason Proffitt prays that the Court issue an injunction mandatorily requiring the Department of Energy and Amy L. Rothrock to disclose records described and identified above,

for attorney's fees and costs, and such other and further relief as the Court may deem proper under the circumstances.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Jan Jennings", is written over a horizontal line.

R. Jan Jennings, BPR No. 1326
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& JENNINGS
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